

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James A. Parker

**Title:** *New Mexico Top Organics-Ultra Health v. Kennedy et al.*

**Case Number:** 17-cv-599-JAP-LF

**Date:** August 7, 2018

**Courtroom Clerk:** Emily P. Carey

**Court Reporter:** John De La Rosa

**Attorneys Present for Plaintiffs:**

Brian Egolf, Jr. & Kristina Caffrey

**Attorneys Present for Defendants:**

Christopher T. Saucedo & Daniel Apodaca

**Type of Proceeding:** Non-Jury Trial Day 2

**Start Time:** 9:08 a.m.

**End Time:** 11:00 a.m.

**Time in Court:** 1 hour 52 minutes

**Notes on the Proceedings:**

- 9:08 a.m. Court in session. Plaintiff calls witness Dan Mourning. Witness is sworn. Mr. Egolf begins direct examination. Mr. Egolf references Plaintiff's Exhibit 8 and continues examination. Mr. Egolf references Plaintiff's Exhibit 13 and continues examination. Mr. Egolf references Plaintiff's Exhibit 2 and continues examination.
- 9:45 a.m. Mr. Egolf passes the witness. Mr. Saucedo begins cross-examination. Mr. Saucedo references Plaintiff's Exhibit 8 and continues examination.
- 10:03 a.m. Mr. Saucedo passes the witness. Mr. Egolf begins redirect examination.
- 10:15 a.m. Mr. Egolf passes the witness. Mr. Saucedo conducts further examination of the witness.
- 10:18 a.m. Court asks further questions of the witness. Witness responds. Mr. Saucedo asks remaining question. Court asks additional questions. Mr. Egolf asks additional questions of the witness.

10:22 a.m. No further questions for the witness. The witness is excused.

10:23 a.m. No further evidence to be presented by either party. Court clarifies a matter regarding an exhibit.

10:24 a.m. Mr. Egolf provides closing summary. Court asks question of Mr. Egolf. Mr. Egolf responds and continues closing statement.

10:43 a.m. Mr. Apodaca provides closing summary. Court asks questions of Mr. Apodaca. Mr. Apodaca responds.

10:59 a.m. Court addresses the parties.

11:00 a.m. Court in recess.